

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>PETER J. BRENNAN, James D. Hodgson, Secretary of Labor United States Department of Labor</p> <p>vs</p> <p>L.C. Sinor, Doing business as L.C. Sinor Trucking Company</p> <p>Additional party debts: J. D. BRADSHAW and L. C. SINOR SAND COMPANY, INC. a corporation</p>		<p>For plaintiff:</p> <p>Richard F. Schubert Solicitor of Labor</p> <p>M.J. Parmenter, Reg. Solicitor James Gruben Heriberto de Leon, Atty for Jms. Hodgson Robert Fitz (729-4902) Dep. wheel (729-4934) U.S. Dept of Labor Fed. Bldg.- U.S. Courthouse 1100 Commerce St., Dallas, Tex. 75202 707-4902 8-729-</p> <p>For defendant:</p> <p>Fred W. Woodson 1843 East 15th Tulsa, Oklahoma 74104 587-3335 932-4661</p> <p>George M. Park (Bradshaw) 328 W. Kenosha Broken Arrow 74012 (251-7415)</p> <p>L. C. Sinor 704 S. E. 12th St. <i>Gen. Delivery</i> Pryor, Okl. 74361 <i>catoosa, ok</i> 825-2810 74015</p>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 7-1-72	Clerk						
J.S. 6 mailed 12-1-74	Marshal						
Basis of Action: Violation Fir Labor Standards	Docket fee Act. Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-26-72	Complaint filed. x Summons issued.X. h	
6-26-72	Plaintiff's Interrogatories to defendant filed.h	
6-28-72	Marshal's return of service of summons, complaint and interrogatories, filed. Served L. C. Sinor in Bixby on 6/27/72 (USM 9.84) rm	
7-14-72	Answer of def, filed. rm	
7-17-72	Answer to Pltf's Interrogatories, filed. r	
8-25-72	Case set for pre-trial 9-19-72 at 11:40 a.m. (FD-J)hm	
9-19-72	Pre-trial hearing held. Case to be set on <u>Non-Jury</u> docket; plaintiff to prepare pre-trial order within 20 days. (FD-J)h	
11-8-72	PRE-TRIAL ORDER, filed. (FD-J)r (copies to pltf; deft notified by letter)	
1-16-73	Case set for N-J Trial at 9:30 a.m. 1-31-73 (FD-J)r	
1-31-73	Subpoenae, ret. & filed: served Leonard Ewert at Pryor, Ok. & Gene Kellenberger at Tulsa, 1-29-73; L. C. Sinor at Pryor, J. R. Ellsworth, & Bob Smith at Tulsa, 1-30-73; J. W. Turpin & Gene Cummins at Tulsa, Onyan Phelan at Salina & Freddie Griggs at Tulsa, 1-31-73; subpoenae to Thomas R. Noe, Robert E. Van Buskirk & James Allen Walls unserved. (USM \$68.64)g	
1-31-73	Case called for Non-Jury Trial. Parties represented. Parties announce ready. Case passed to be continued on Next N-J docket. (FD-J)r	
1-31-73	Pltf Exhs #1 thru #13, in filed. r	
1-31-73	Defts exhibits #1 thru #8, in filed. r	
2-15-73	Notice to take oral deposition of J. D. Bradshaw on 2-21-73 at Tulsa, Oklahoma, filed. ds subpoenas issued.	
2-21-73	Dep. subpoenae, ret. & filed: served J. D. Bradshaw, Tulsa, 2-21-73. (USM \$5.12)g	
3-26-73	Pltfs' Motion to Amend Complaint for purpose of adding new defts, filed. r <i>Mar 12</i>	
3-26-73	Pltfs' Brief in support of Mot to add parties deft., filed. r <i>Mar 12</i>	
4-5-73	Copy of letter from FD directing defendant to respond to plaintiff's motion to amend within 10 days filed. (FD-J)h	
4-9-73	Response to Mtn. to Amend Complaint for Purpose of Adding New Defs. filed. jj	
4-9-73	Brief in Support of Def's Response to Amend Complaint for Purpose of Adding New Defs., filed. jj	
4-20-73	Copy of letter dated 4-19-73 from J. D. to Pltf., requesting that within 15 days (5-4) the Pltf is to furnish Court More information to submit in support of Pltf's Motion, filed. r <i>dated 5-3-73</i>	
5-8-73	Copy of letter from Heriberto de Leon, U.S. Dept. of Labor, to J.D., containing info. re: Pltf.'s Mot. to Amend Complaint, etc., filed. v Letter was accompanied by copy of the Transcript of Evidentiary Proceedings held on 1-31-73, and Material re: Articles of Inc. of L.C. Sinor Sand Co., Inc. v <i>Transcript and Material w/origing letter - mailed to J.D. copy of letter & Material filed</i>	
	Transcript and Material-filed this date.	

(CONT)

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-11-73	Order filed, granting Pltff's Mtn to Amend Complaint for purpose of adding New Defts (J. D. Bradshaw and L.C Sinor Sand Co., Inc.) and are directed to file Amended Complaint within 10 days; original def. L.C. Sinor Trucking co. is directed to file an answer to the Amended complaint within 20 days (Due 5-31) <u>The case will be set for a Pre-Trial conf. when at issue.</u> filed. (FD-J)r (Copies mailed)	
5-21-73	Plaintiff's amended complaint, filed. ds summons issued.	
5-21-73	Plaintiff's second interrogatories to defendants, filed. ds	
5-24-73	Deposition of J. D. Bradshaw on behalf of pltf., filed. g	
5-31-73	Marshals' service returned and filed. Executed by serving Amended Complaint, Plt. 2nd Inter. to Def. and Summons upon L. C. Sinor Sand Co., Inc. and J. D. Bradshaw, 5-30-73 at Tulsa, Okla. (USM \$22.08)jj	
6-20-73	Defts. Mtn. for Extension of Time to Ans. including Order filed. jj	
6-22-73	Order filed, sustaining defts L.C. Sinor Sand Co., Inc. & J.D. Bradshaw Motion for ext. Court grants an additional 15 days (Due 7-7-73) to answer, filed. (FD-J)r (Copies mailed)	
6-25-73	Case set for Pre-Trials on 7-23-73 at 2:20 P.M. (FD-J)r	
6-26-73	Answer of J. D. Bradshaw to amended complaint, filed. g	
6-26-73	Answer of L. C. Sinor to amended complaint, filed. g	
6-26-73	Answer of L. C. Sinor Sand Co. Inc. to amended complaint, filed. g	
7-9-73	Ordered by the Court that this case be stricken from P-T docket of 7-23-73 at request of defts. (FD-J)r (Parties notified by letter)	
7-11-73	Letter dated 7-6-73 from de Leon, stating that pltf has no obj to continuance of P-T hearing, filed. r	
7-11-73	Defts. Answers to Pltff's 2nd Interrogatories, filed. jj	
8-29-73	Case set for P-T hearing at 10:00 A.M. on Oct. 2, 1973. (FD-J)r	
10-2-73	Pre-trial held. Pltff. rep. by Heriberto de Leon; def. rep. by Fred Woodson. Statements made. Pltff. directed to prepare PT order. (non-jury)(FD-J) rm	
11-16-73	<u>Pre-Trial Order</u> , filed. (FD-J)rm - copies mailed	
7-25-74	Case set for non-jury trial for 9/12/74 at 9:30 a.m.(FD-J)rm-notice md.	
8-12-74	Ltr. of 8/6/74 from def. counsel req. further pre-trial, filed. rm	
8-12-74	Ltr. of 8/9/74 from FD to parties setting case for further pre-trial for 8/21/74 at 3:30 p.m. (FD-J)rm	
8-21-74	Final Pre-trial conf. held. Parties rep. by counsel of record. No addl. PT Order necessary by agreement of counsel. Case set for N-J trial for 9/12/74 at 9:30 a.m. (FD-J)rm	
9-13-74	Non-jury trial held 9/12 & 9/13/74. Trial continues from 1/31/73 with pltf. witness James R. Ellsworth. Parties announce settlement of Phase I of trial. After testimony of witnesses, parties directed to submit proposed FF/CL on Phase II within 15 days. After testimony, Ct. takes Phase III trial under advisement. (FD-J)rm	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-13-74	Trial exhibits, filed. rm	
9-30-74	Proposed FF/CL of pltf., filed. rm	
9-30-74	Post-trial brief of pltf., filed. rm	
9-30-74	Defts' Findings of Fact & Conclusions of law, filed.k <i>copy to 11-13-74</i>	
10-30-74	Memorandum opinion, filed and entered, that pltf. have appropriate judg. against defs. as indicated therein to certain employees, with int. at 6% from date respective amts. became due; that in the Ct. discretion it is unnecessary to issue permanent injunction against defs. from violating provisions of the Act in the future; and counsel for pltf. is directed to prepare appropriate judgment based on foregoing and submit to Ct within 10 days from this date.(FD-J)rm <i>copy to 11-13-74</i>	
11-13-74	Judgment, filed and entered. <u>Ordered</u> that L.C. Sinor, d/b/a Sinor Trucking Co. is restrained from withholding payment of overtime compensation due to James R. Ellsworth & Leonard Ewert in the amount of \$414.60. <u>Further ordered</u> that Defts., L.C. Sinor and J.D. Bradshaw be restrained from withholding payment of overtime compensation due to James R. Ellsworth, et al., in the amount of \$3,219.44. <u>Further Ordered</u> that Pltf.'s prayer for injunction is denied. <u>Judgment is further entered</u> in favor of Pltf.'s claims on behalf of James W. Turpin, Leonard Ewert & Freddie Griggs in total amount of \$1,276.53, for wage underpayments or for alleged failure to pay overtime wages. <u>Further ordered</u> that the costs of this action shall be taxed against Defts. L.C. Sinor & J.D. Bradshaw. (FD-J)v <i>copy to 11-13-74</i>	
11-24-75	Pltf's petition for adjudication in civil contempt, filed.k <i>show cause (12)</i>	
12-3	Order to show cause, filed, that defs. show cause in writing on or before 1/5/76 why petition should not be granted and def. found in contempt of court. (FD-J)rm - Order served by USM	
1-5-76	Ans. to petition for adjudication in civil contempt, filed. lm	
1-8-76	Marshals return of Order to Show Cause, filed: Served J. D. Bradshaw, at Bixby, OK, on 12-4-75; unable to serve L. C. Sinor. (USM \$61.56)ph	
2-23	MO: Case set for hearing on pltf. petition for adjudication in civil contempt for Thurs., 3/4/76.(FD-J)rm - notices	
3-4	Hrg. held in chambers on pltf. petition for adj. in civil contempt. Pltf. rep. by Robt. Maris; def. Bradshaw present & rep. by George M. Park. Def. Bradshaw agrees to pay back wages on monthly basis until judg. paid in full (with no interest, but ct. costs to be included). Def. Sinor not served. Bradshaw not assuming judg. against Sinor. Ct. to maintain jurisdiction if def. Bradshaw defaults in payments. Addl. process will be issued against Sinor to bring him forward, re contempt. Bradshaw to aid Marshal in locating Sinor. Pltf. counsel directed to prepre proper Order re contempt of Bradshaw within one week and present to Ct. for signature. If def. Sinor located, pltf. to contact Ct. for further hrg.(FD-J)(unreported)rm	
4-22	Order adjudicating def. Bradshaw in civil contempt, filed.(FD-J)rm-copies	
5-20	Marshal's return on service of pet. for ad. of civil contempt and Order to Show Cause, filed. Served L. C. Sinor in Locust Grove on 5/20/76. (USM \$79.92) rm	
6-1	Answer of L. C. Sinor to Petition for adj. of civil contempt and show cause order, filed. rm (<i>copy to 20</i>)	

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
6-16-76	Pltf. first interrogatories to def. Sinor, filed. rm	
9-2	Motion of pltf. to compel answers to 1st set of interrogatores, filed. rm	
9-2	Brief in support of mo/compel, filed. rm	
9-9	Order, filed, that def. is to ans. first interrog. of pltf. within 15 days from 9/9/76.(FD-J)rm-copies mailed	
10-22	Answer by L. C. Sinor to pltf. first interrogatories, filed. rm	
5-12-77	Petition for adjudication to adjudge L. C. Sinor in civil contempt, filed. lm (o to J)	
5/12	Pltf's motion to direct entry of bench warrant against deft Bradshaw or if Court does not see fit to direct entry of bench warrant, to enter supp. order to show cause, based on petition for adjudication filed with Clk. on 11-24-75, filed. lm	
5-19	Order to show cause, filed, that deft. Bradshaw show cause in writing by 6/20/77 why motion of 5/12/77 should not be granted and deft. found in contempt.(FD-J)rm-2 c.c. to USM and attys	
5-19	Order to show cause, filed, that deft. Sinor show cause in writing by 6/20/77 why motion of 5/12/77 should not be granted and deft. found in contempt.(FD-J)rm-2c.c. to USM and attys	
5-19	Order to show cause, filed, that defts. Bradshaw and Sinor show cause in writing by 6/20/77 why prayer in petition for civil contempt should not be granted and defts. found in contempt.(FD-J)rm-2 c.c. to USM and attys	
5-31	Marshal's ret. on Order to Show Cause, filed. Served J. D. Bradshaw in Broken Arrow. on 5/27/77. rm (USM \$13.80)	
6-20	Response of L. C. Sinor to order to show cause, filed. rm	
6-22	Deft. J. D. Bradshaw ans. to pet. for adjudication in civil contempt fld. ho	
8-10	Pltf. notice to take depo. of J. D. Bradshaw & L. C. Sinor on 9-16-77 in Tulsa, fld. ho	
8-10	Pltf. notice to take depo. of J. D. Bradshaw & L. C. Sinor on 9-16-77 in Tulsa, fld. ho	
9-16	Plea in abatement in behalf of deft. Bradshaw, filed. rm - copy to FD	
9-20	Letter, filed, from FD to pltf. counsel directing them to respond in 10 days from 9/19 to deft. Bradshaw's plea in abatement, w/brief, if opposed.(FD-J)rm	
9-29	Pltf. response to Deft. J. D. Bradshaws plea in abatement and brief. fld. ho	
11-16	Deposition of L. C. Sinor on behalf of pltf., taken 9/16/77, filed. (M. J. Butler-LSR)(\$130.50 pd by pltf)rm	

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DATE	PROCEEDINGS	Date Order or Judgment Note
'78	Peter Brennan v. L.C. Sinor	
3-27	Order, filed, that Deft. Bradshaw's Plea in Abatement should be overruled. (FD-J)v -cps. mld. <i>(4 cps to 4D, 11)</i>	
6-20-78	Letter from pltf. counsel to FD, filed, that mo/SJ is being filed in bky. case involving defts.; then interrog. to be filed in this case to determine if assets available, which may result in contempt petition being withdrawn. rm (case abated)	
7-17-78	MO: Case set for hearing on pltf.'s petition for adjudication in civil contempt against defts. Sinor and Bradshaw for Fri., 8/11/78, at 10 a.m. (FD-J)rm-notices	
8-11	Hearing held on pltf. petition for civil contempt. Counsel present. Sinor appearing pro se. Statements made. After consulting w/Sinor out of ct., govt. req. ct. to enter order that Sinor be dismissed from civil contempt due to financial inability to comply, w/provision that Sinor furnish pltf. tax returns & statements of addl. income each year. Ct. grants request. Deposition of Sinor entered into evidence for ct. to read as testimony of inability to comply. Off the record, discussion held with counsel and deft. Bradshaw. Bradshaw makes two offers 1) to pay \$25/mo. installments; or 2) pay total of \$500 in return for release not to further contemplate proceedings for non-payment pursuant to restraining order. Govt. counsel to prepare formal order on Sinor and advise ct. on how they will proceed on Bradshaw within 15 days. (FD-J)rm(Tim HolmesCR)	
8-18	Order of dismissal as to deft. Sinor, filed and entered. (FD-J)rm-copies mailed	
<u>1979</u>		
1-22	Consent Order, filed and entered, that deft. Bradshaw is adjudged in civil contempt for failure to comply w/judg. of 11/13/74; that deft. purge himself of contempt by paying \$25/mo. beginning 1/79 until \$2,719.44 pd in full; deft. will be paying costs of this action. (FD-J)rm-c/m	